IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 975 OF 2003

The State of Maharashtra ..... Appellant.

versus

Balu Rajaka Padval & anr. ..... Respondents.

.....

Shri B.R.Patil PP for the State.

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CORAM ; V.G.PALSHIKAR &
ANOOP V. MOHTA, JJ.

DATED; 29TH OCTOBER, 2004.

P.C.;

1. By this appeal, the judgment of acquittal is challenged on the ground that the learned trial Judge erred in rejecting the evidence of two eye witnesses. Cogent reasons have been given by the learned trial Judge for so rejecting. Whereas according to the learned Judge benefit of doubt was required to be given to the accused as several reasonable doubts arise out of the prosecution story.

2. Merely because a different view for re-appreciation of evidence is possible it is not the ground for admitting the appeal against acquittal where purversity or illegality of the order is one of the essential ingredience. Hence appeal is dismissed.

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